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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,876	10/29/2003	Rafael Bronstein	P-6096-US	4098
27130	7590	11/02/2005	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			LIANG, LEONARD S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,876

Applicant(s)

BRONSTEIN ET AL.

Examiner

Leonard S. Liang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 8-10, 14 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 12, 13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

In the response to election/restriction filed on 08/15/05, the applicant selected Group I, Species A, subspecies a. The applicant amended the claims, but did not specify which claims belong to the elected group. The examiner believes that claims 1-3, 7, 12-13, and 15-17 are readable on elected Group I, Species A, subspecies a. Thus these claims will be examined and all other claims will be withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12-13 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al (US PgPub 20010052920).

Matsumoto et al discloses:

- {claim 12} An apparatus comprising an ink jet print head to eject droplets of ink onto a substrate to form a portion of an image; and a radiation unit to irradiate onto the portion an amount of radiation energy, the amount is based on image content of the portion (abstract)

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- {claim 13} wherein the radiation unit is capable of moving with the print head (figure 14, reference 98; paragraph 0098)
- {claim 15} a controller to control the print head and the radiation unit (abstract)
- {claim 16} wherein the controller is to control the radiation unit to provide the radiation energy only to printed portions of the image (abstract)
- {claim 17} wherein the radiation unit is an infrared laser diode (paragraph 0025)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (US PgPub 20010052920) in view of Kubota et al (US Pat 6511147).

Matsumoto et al discloses:

- {claim 1} A method comprising ejecting droplets of ink onto a first section of a substrate to form a first portion of an image; and directing onto the first section a predetermined amount of radiation energy based on image content of the first portion (abstract)
- {claim 2} wherein the image content is the number of the droplets of ink (abstract)

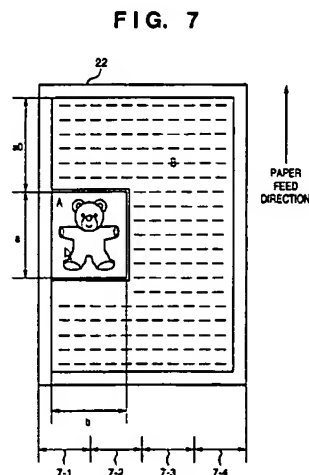
- {claim 3} wherein directing the radiation energy comprises directing infrared radiation energy (paragraph 0025)
- {claim 7} wherein directing the radiation energy comprises directing the radiation energy only to printed portions of the image (abstract)

Matsumoto et al differs from the claimed invention in that it does not disclose:

- {claim 1} ejecting droplets of ink onto a second section of the substrate to form a second portion of the image; and directing onto the second section another predetermined amount of radiation energy based on image content of the second portion

Kubota et al discloses:

- {claim 1} printing different image data in different sections of a substrate to form first and second portions of an image (figure 7, reference A, B) and controlling heater control based on the different image information.



It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Kubota et al into the invention of Matsumoto

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et al. The motivation for the skilled artisan in doing so is to gain the benefit of realizing good color development and forming high quality images regardless of the type of image information that is printed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mizoguchi et al (US Pat 6179418) discloses an electrostatic ink jet recording apparatus that adjusts the amount of heat based on the type of recording material.

Yoshida (US Pat 6102507) discloses an ink jet output apparatus.

Selensky et al (US Pat 5784090) discloses the use of densitometer for adaptive control of printer heater output to optimize drying time for different print media.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard S. Liang whose telephone number is (571) 272-2148. The examiner can normally be reached on 8:30-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/28/05

lsl LSL


10/31/05
MANISH S. SHAH
PRIMARY EXAMINER